

Frank S. Hedin (*Pro Hac Vice App. Forthcoming*)

HEDIN LLP

1395 Brickell Avenue, Suite 610

Miami, Florida 33131

Telephone: (305) 357-2107

Facsimile: (305) 200-8801

E-Mail: fhedin@hedinllp.com

DAVID W. SCOFIELD – 4140

PETERS | SCOFIELD

A Professional Corporation

7430 Creek Road, Suite 303

Sandy, Utah 84093-6160

Telephone: (801) 322-2002

Facsimile: (801) 912-0320

E-Mail: dws@psplawyers.com

Attorneys for Plaintiffs and Putative Class

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

<p>KLAY ANDERSON; and JOSE URRUTIA, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>THE ECONOMIST NEWSPAPER NA INC.</p> <p style="text-align: center;">Defendant.</p>	<p>PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY</p> <p>Case No. 2:23-cv-00878-HCN-DAO</p> <p>District Judge Howard C. Nielson, Jr. Magistrate Judge Daphne A. Oberg</p>
--	--

Pursuant to DUCivR 7-1(c), Plaintiffs Klay Anderson and Jose Urrutia submit this Notice of Supplemental Authority to apprise the Court of a recent decision of relevance to an issue raised by Defendant in its pending motion to dismiss (ECF No. 21).

Supplemental Authority: *Curry et al., v. Mrs. Fields Gifts, Inc.*, No. 2:22-CV-00651-

JNP-DBP, 2024 U.S. Dist. LEXIS 144614, at *7-14, 2024 WL 3794487, at *3-5 (D. Utah Aug. 13, 2024) (unpublished), attached hereto as **Exhibit A**.

Relevance of Supplemental Authority: In *Curry*, a putative class action in which the plaintiffs alleged violation of same statute at issue in this case (Utah's Notice of Intent to Sell Nonpublic Personal Information Act, Utah Code Ann. § 13-37-101, *et seq.*), based on facts materially identical to the facts alleged by the Plaintiffs in this case (*compare Andersen*, ECF No. 12 *with Curry*, ECF No. 45), the defendant there, like the Defendant here, moved to dismiss the case for lack of Article III standing (*compare Andersen*, ECF No. 21 at 11-14 *with Curry*, ECF No. 49 at 9-12). In denying the defendant's motion to dismiss for lack of Article III standing in *Curry*, the district court considered and rejected all of the same arguments raised by Defendant in its pending motion to dismiss for lack of Article III standing in this case. *Compare Curry*, 2024 WL 3794487, at *3-5 *with Anderson*, ECF No. 21 at 11-14. The decision in *Curry* is thus factually and legally apposite to the Article III standing issue presently before the Court in this case.

Dated: August 21, 2024

Respectfully submitted,

PETERS | SCOFIELD
A Professional Corporation

/s/ David W. Scofield
DAVID W. SCOFIELD

-and-

HEDIN LLP
Frank S. Hedin (*Pro Hac Vice App.*
Forthcoming)

Attorneys for Plaintiffs and Putative Class